

JOHN J. HOFFMAN  
ACTING ATTORNEY GENERAL OF NEW JERSEY  
R.J. Hughes Justice Complex  
25 Market Street  
P.O. Box 112  
Trenton, New Jersey 08625-0112  
Attorney for the Defendants,  
The Atlantic County Prosecutors Office and  
Janet Gravitz

By: Brian P. Wilson  
Deputy Attorney General  
(609) 777-3410

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
VICINAGE OF CAMDEN

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CARLOS E. LOPEZ-SIGUENZA, : Civil Action No. 13-2005 (JBS-  
: JS)  
v. Plaintiff, : Civil Action  
MARK E. RODDY, ESQUIRE, THE : JOINT PROPOSED DISCOVERY PLAN  
ATLANTIC CITY POLICE :  
DEPARTMENT, THE ATLANTIC :  
COUNTY PROSECUTORS OFFICE, :  
JANET GRAVITZ, DETECTIVE JOHN :  
IMFELD, DETECTIVE JAMES :  
HIPPLE, JOHN DOES 1-50, JANE :  
DOES 1-50, AND JOHN DOE :  
CORPORATIONS 1-50, :  
Defendants. :  

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1. Set forth the name of each attorney appearing, the firm name, address and telephone number and facsimile number of each, designating the party represented.

Benjamin Folkman, Esquire  
Folkman Law Offices, P.C.  
1949 Berlin Road, Suite 100  
Cherry Hill, New Jersey 08003

Tel: (856) 354-9444  
Fax: (856) 354-9776  
Email: [benfolkman@folkmanlaw.com](mailto:benfolkman@folkmanlaw.com)  
Attorneys for Plaintiff, Carlos E. Lopez-Siguenza

James A. Barry, Esquire  
Locks Law Firm, L.L.C.  
457 Haddonfield Road, Suite 500  
Cherry Hill, New Jersey 08003  
Tel: (856) 663-8200  
Fax: (856) 661-8400  
Email: [jbarry@lockslaw.com](mailto:jbarry@lockslaw.com)  
Attorneys for Plaintiff, Carlos E. Lopez-Siguenza

Michael A. Galpern, Esquire  
Locks Law Firm, L.L.C.  
457 Haddonfield Road, Suite 500  
Cherry Hill, New Jersey 08003  
Tel: (856) 663-8200  
Fax: (856) 661-8400  
Email: [mgalpern@lockslaw.com](mailto:mgalpern@lockslaw.com)  
Attorneys for Plaintiff, Carlos E. Lopez-Siguenza

Brian P. Wilson, Deputy Attorney General  
Office of the Attorney General  
Hughes Justice Complex  
25 Market Street  
2<sup>nd</sup> Floor, West Wing  
P. O. Box 112  
Trenton, New Jersey 08625-0112  
Tel: (609) 777-3410  
Fax: (609) 943-4853  
Attorney for Defendants, The Atlantic County Prosecutors  
Office and Janet Gravitz

Tracy L. Riley, Esquire  
Law Offices of Riley & Riley  
100 High Street, Suite 302  
Mount Holly, New Jersey 08060  
Tel: (609) 914-0300  
Fax: (609) 914-0323  
Email: [rileyandrileylaw@yahoo.com](mailto:rileyandrileylaw@yahoo.com)  
Attorney for Defendants, The Atlantic City Police  
Department, Detective John Imfeld, and Detective James  
Hipple

Mark E. Roddy, Esquire  
1021 S. Main  
Pleasantville, New Jersey 08232  
Tel: (609) 677-4995  
Fax: (609) 360-0327  
Defendant

2. Set forth a brief description of the case, including the causes of action and defenses asserted:

Plaintiff alleges that Defendants failed to properly investigate Plaintiff's alleged sexual intercourse with a minor. Specifically, Plaintiff alleges that the alleged victim's birth certificate was a fake and that he should not have been arrested or prosecuted. Plaintiff brings 42 U.S.C. § 1983 and New Jersey Civil Rights Act ("NJCRA") claims against the State and County defendants. Additionally, he brings claims of legal malpractice and breach of contract against his former defense counsel Mark Roddy, Esq.

The State Defendants argue that Plaintiff's lawsuit is barred by the doctrines of sovereign, absolute prosecutorial and qualified immunity. They also argue that Plaintiff fails to state a claim upon which relief can be granted and that they are not persons amenable to suit pursuant to § 1983 or the NJCRA.

3. Have settlement discussions taken place? Yes \_\_\_\_\_ No

(a) What was Plaintiff's last demand?

(1) Monetary demand: \$\_\_\_\_\_

(2) Non-monetary demand: \$\_\_\_\_\_

(b) What was Defendants' last offer?

(1) Monetary offer: \$\_\_\_\_\_

(2) Non-monetary offer: \$\_\_\_\_\_

4. The parties [ have \_\_\_\_\_ have not X ] met pursuant to Fed. R. Civ. P. 26(f).
5. The parties [ have \_\_\_\_\_ have not X ] exchanged the information required by Fed. R. Civ. P. 26(a)(1). If not, state the reason therefor.

Plaintiff has submitted his R. 26 disclosures, Defendants intend to submit their Fed. R. Civ. P. 26(a)(1) disclosure statement by **December 2, 2013**.

6. Explain any problem in connection with completing the disclosures required by Fed. R. Civ. P. 26(a)(1).

None anticipated.

7. The parties [ have \_\_\_\_\_ have not X ] conducted discovery other than the above disclosures. If so, describe.

8. Proposed Joint Discovery Plan:

(a) Discovery is needed on the following subjects:

Interrogatories

Requests for the Production of Documents

Requests for Admissions

Deposition of all parties, fact witnesses and Fed.

Expert Discovery

(b) Discovery [ should \_\_\_\_\_ should not X ] be conducted in phases or be limited to particular issues. Explain.

(c) Proposed schedule:

(1) Fed. R. Civ. P. 26 Disclosures by **December 2, 2013**.

(2) E-Discovery conference pursuant to L. Civ. R. 26.1(d) **January 5, 2013**.

(3) Service of initial written discovery by **February, 4, 2014**.

(4) Maximum of **25** Interrogatories by each party to each other party.

(5) Maximum of **10** depositions to be taken by each party.

(6) Motions to amend or to add parties to be filed by **March 4, 2014**.

(7) Factual discovery to be completed by **July 4, 2014**.

(8) Plaintiff's expert report due on **September 4, 2014**.

(9) Defendant's expert report due on **October 3, 2014**.

(10) Expert depositions to be completed by **December 2, 2014**.

(11) Dispositive motions to be served within **60** days of completion of discovery.

(d) Set forth any special discovery mechanism or procedure requested. N/A

(e) A pretrial conference may take place on a date to be determined by the Court.

(f) Trial date: To be determined by the Court.

(   X   ) Jury Trial  
(        ) Non-Jury Trial

9. Do you anticipate any special discovery needs (i.e. videotape/telephone depositions, problems with out-of-state witnesses or documents, etc.)? Yes   X   No       

10. Do you anticipate any issues about disclosure or discovery of electronically stored information, including the form or forms in which it should be produced? Yes        No   X  

If so, how will electronic discovery or data be disclosed or produced? Describe any agreements reached by the parties regarding same, including costs of discovery, production, related software, licensing agreements, etc.

11. Do you anticipate entry of a Discovery Confidentiality Order? See L. Civ. R. 5.3(b) and Appendix S. Yes   X   No       

12. Do you anticipate any discovery problem(s) not listed above? Describe. Yes        No   X

13. State whether this case is appropriate for voluntary arbitration (pursuant to Local Civil Rule 201.1 or otherwise) or mediation (pursuant to Local Civil Rule 301.1 or otherwise). If not, explain why and state whether any such procedure may be appropriate at a later time (i.e., after exchange of pretrial disclosures, after completion of depositions, after disposition or dispositive motions, etc.).

Given the claims asserted, voluntary arbitration or mediation may be appropriate upon the completion of discovery and the Court's ruling on any dispositive motions filed.

14. Is this case appropriate for bifurcation? Yes        No   X  

15. An interim/settlement conference (with clients in attendance) should be held on a date to be determined by the Court.

16. We [do        do not   X  ] consent to the trial being conducted by a Magistrate Judge.

17. Identify any other issues to address at the Rule 16 Scheduling Conference.

None other than the entry of a Discovery Confidentiality Order pursuant to L. Civ. R. 5.3(b) and in accordance with Appendix S.

Benjamin Folkman, Esq.  
Attorney for Plaintiff  
Carlos E. Lopez-Siguenza

James A. Barry  
Attorney for Plaintiff  
Carlos E. Lopez-Siguenza

By: s/ Benjamin Folkman  
BENJAMIN FOLKMAN

By: s/ James A. Barry  
JAMES A. BARRY

Dated: November 13, 2013

Dated: November 13, 2013

Michael A. Galpern, Esq.  
Attorney for Plaintiff  
Carlos E. Lopez-Siguenza

Brian P. Wilson, DAG  
Attorney for Defendants  
The Atlantic County  
Prosecutors Office and  
Janet Gravitz

By: s/ Michael A. Galpern By: s/ Brian P. Wilson  
MICHAEL A. GALPERN BRIAN P. WILSON

Dated: November 13, 2013 Dated: November 13, 2013

Tracy L. Riley, Esq.  
Attorney for Defendants  
The Atlantic City Police  
Department, Detective John Imfeld  
And Detective James Hipple

Mark E. Roddy, Esq.  
Defendant

By: s/ Tracy L. Riley By: s/ Mark E. Roddy  
TRACY L. RILEY MARK E. RODDY

Dated: November 13, 2013 Dated: November 13, 2013